

EXHIBIT 7

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Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 SONOS, INC.,
4 Plaintiff,
5 vs. Case No. 3:21-CV-07559-WHA
6 GOOGLE LLC,
7 Defendant.

8
9 -AND-

10 GOOGLE LLC,
11 Plaintiff,
12 vs. Case No. 3:20-CV-06754-WHA
13 SONOS, INC.,
14 Defendant.

15 GOOGLE DESIGNATED ATTORNEYS' EYES ONLY
16 SONOS DESIGNATED HIGHLY CONFIDENTIAL &
ATTORNEYS' EYES ONLY UNDER THE PROTECTIVE ORDER

17 ZOOM DEPOSITION OF TAD COBURN AS 30(B)(1) &
18 AS SONOS' 30(b)(6) CORPORATE REPRESENTATIVE
(Reported Remotely via Video & Web Videoconference)
Wolfeboro, New Hampshire (Deponent's location)

19
20 Tuesday, July 12, 2022

21 STENOGRAPHICALLY REPORTED BY:
22 REBECCA L. ROMANO, RPR, CSR, CCR
California CSR No. 12546
Nevada CCR No. 827
Oregon CSR No. 20-0466
23 Washington CCR No. 3491
24 JOB NO. 5319142
25 PAGES 1 - 245

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<p style="text-align: right;">Page 14</p> <p>1 if you could raise your right hand for me, please.</p> <p>2 THE DEPONENT: (Complies.)</p> <p>3 THE COURT REPORTER: You do solemnly</p> <p>4 state, under penalty of perjury, that the testimony</p> <p>5 you are about to give in this deposition shall be</p> <p>6 the truth, the whole truth and nothing but the</p> <p>7 truth?</p> <p>8 THE DEPONENT: I do.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 /////</p>	<p style="text-align: right;">Page 16</p> <p>1 question, Mr. Coburn.</p> <p>2 A. Oh, I did collaborate -- I did work on a</p> <p>3 collaboration with Google.</p> <p>4 Q. And that was in connection with your work</p> <p>5 at Sonos, correct?</p> <p>6 A. That's correct.</p> <p>7 Q. And did that work that you did in the</p> <p>8 context of a collaboration with Google, did that</p> <p>9 begin in 2013?</p> <p>10 A. I believe it did.</p> <p>11 Q. And what was your understanding of the</p> <p>12 purpose of the collaboration between Sonos and</p> <p>13 Google that started in 2013?</p> <p>14 A. We were working with Google to implement</p> <p>15 a feature that Sonos refers to as -- as play to</p> <p>16 Sonos, which is a feature where a -- an application</p> <p>17 written by another company, a music application, in</p> <p>18 particular, can directly transfer music playback to</p> <p>19 Sonos speakers.</p> <p>20 Q. So what was your role in connection with</p> <p>21 the collaboration between Sonos and Google?</p> <p>22 A. I was the technical lead on the project,</p> <p>23 on the implementation project for Sonos.</p> <p>24 Q. Ultimately, Sonos and Google worked on</p> <p>25 what was called a cloud queue design for streaming</p>
<p style="text-align: right;">Page 15</p> <p>1 TAD COBURN,</p> <p>2 having been administered an oath, was examined and</p> <p>3 testified as follows:</p> <p>4</p> <p>5 EXAMINATION</p> <p>6 BY MS. BAILY:</p> <p>7 Q. Good morning, Mr. Coburn.</p> <p>8 A. Good morning.</p> <p>9 Q. Could you please state your full name and</p> <p>10 address for the record?</p> <p>11 A. Sure. My full legal name is</p> <p>12 Arthur Leslie Coburn, IV. And my address -- my</p> <p>13 legal address is 66 Liberty Ave, Lexington, Mass,</p> <p>14 02420.</p> <p>15 Q. And in your work at Sonos, do you go by</p> <p>16 Tad Coburn?</p> <p>17 A. I do.</p> <p>18 Q. Is there any reason you cannot offer</p> <p>19 accurate, complete, truthful testimony today?</p> <p>20 A. No.</p> <p>21 Q. Starting in 2013, you were part of a</p> <p>22 collaboration between Sonos and Google; is that</p> <p>23 correct?</p> <p>24 MS. BRODY: Objection to form.</p> <p>25 Q. (By Ms. Baily) You can answer the</p>	<p style="text-align: right;">Page 17</p> <p>1 Google Play Music to Sonos speakers; is that</p> <p>2 correct?</p> <p>3 MS. BRODY: Objection to form.</p> <p>4 THE DEPONENT: Ultimately, we worked</p> <p>5 on -- on an implementation that -- that leveraged a</p> <p>6 concept, which is often referred to as a cloud</p> <p>7 queue, yes.</p> <p>8 Q. (By Ms. Baily) And in the context of the</p> <p>9 Sonos-Google collaboration, what is your</p> <p>10 understanding of the term "cloud queue"?</p> <p>11 A. Well, it depends on the context. Can you</p> <p>12 be a bit more specific. I mean -- or are you just</p> <p>13 looking for a general, sort of layman's definition?</p> <p>14 Q. Well, the term "cloud queue" was used by</p> <p>15 Sonos and by Google in the context of</p> <p>16 communications that formed part of the</p> <p>17 collaboration between the two companies, right?</p> <p>18 A. Yes.</p> <p>19 Q. And as that term was used in those</p> <p>20 communications, what did it mean to you?</p> <p>21 A. It refers to the idea that the -- the</p> <p>22 knowledge of -- the music that is going to be</p> <p>23 played by the speakers doesn't live within the</p> <p>24 application on a mobile device and it does not live</p> <p>25 on the speakers. It lives in sort of an abstract</p>

5 (Pages 14 - 17)

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<p style="text-align: right;">Page 170</p> <p>1 to be a little bit cute -- but I do not remember 2 any details of the circumstances of the conception 3 of that patent. It was quite a while ago. 4 Q. Do you remember anything about the facts 5 and circumstances of the reduction to practice of 6 the invention claimed in that patent? 7 A. Well, my understanding -- and I am not a 8 lawyer so this is not my area. 9 But my -- my -- my layman's understanding 10 is that filing a patent is considered a reduction 11 to practice. 12 Q. So the '615 patent was reduced to 13 practice on the date on which the application was 14 filed; is that correct? 15 MS. BRODY: Objection to form. 16 THE DEPONENT: That -- that sounds like a 17 question for lawyers. I'm -- I'm not -- if you're 18 asking was there a reduction to practice prior to 19 the patent filing, I think that I can safely answer 20 no, there was not a reduction to practice prior to 21 the patent filing. 22 Q. (By Ms. Baily) Now, with respect to the 23 '033 patent, when -- well, let me ask this: You 24 are a coinventor on the '033 patent, correct? 25 A. That is correct.</p>	<p style="text-align: right;">Page 172</p> <p>1 the patent again to -- to try to recollect the 2 rough timeline. 3 Q. Was there any reduction to practice of 4 the subject matter of the '033 patent prior to the 5 patent filing? 6 A. No, there was not. 7 Q. What is the earliest known use of the 8 alleged invention claimed in the '615 patent? 9 A. When you say "use," you mean reduction to 10 practice in actual software as opposed to the 11 patent? 12 Q. Yes. 13 A. I'd like to give you a clean crisp answer 14 to that, but I'm not sure that I can. 15 In general, with these patents, we -- as 16 you can see, we filed these patents and -- 17 where the patent was the reduction to practice, and 18 so we did not have an actual working implementation 19 at the time. 20 I -- I -- I actually do not track, 21 you know, if and when there is an actual reduction 22 to practice. That is covered by the patents. I 23 think that's something that our -- our lawyers 24 worry about. But that's not something that I 25 really have knowledge of.</p>
<p style="text-align: right;">Page 171</p> <p>1 Q. Do you recall what other inventors are 2 named on the '033 patent? 3 A. I should know that, but I -- because I 4 did review it in preparation. But honestly, I'm 5 not 100 percent sure. I suspect it was also 6 Joni Hoadley again, but I'm not 100 percent certain 7 of that. 8 Q. Well, what did -- sorry. I apologize. 9 What do you recall about the facts and 10 circumstances of the conception of the subject 11 matter of the '033 patent? 12 A. If I remember correctly, it -- 13 unfortunately, my answer is going to be fairly 14 similar as to the previous one. 15 I believe that there were a number of 16 people involved in -- in sort of bouncing around 17 ideas. And I don't recall the specific details of 18 the sequence of conversations or who the 19 conversations were exactly among. 20 Yeah. I -- I don't really have much more 21 specific for you, I'm afraid. 22 Q. When did you and your coinventor conceive 23 of the subject matter of the '033 patent? 24 A. My memory is failing me. I'm sorry. I'd 25 have to actually go back and -- and actually view</p>	<p style="text-align: right;">Page 173</p> <p>1 Q. So in topic No. 2 in Exhibit 1137 -- 2 A. Yes. 3 Q. -- do you see that it says "the earliest 4 known use of the alleged inventions claimed in the 5 Patents-in-Suit"? 6 A. Yes. 7 Q. Did you do anything to figure out what 8 Sonos' view is on the earliest known use of the 9 alleged inventions claimed in the patents-in-suit? 10 A. So as I mentioned, Sonos itself did not 11 reduce the -- the '033 patent to -- into practice 12 because it required a partner to -- the -- the 13 whole patent was around a third-party app playing 14 to Sonos. 15 So we never -- we, Sonos, never actually 16 reduced it to practice in the sense of an actual 17 implementation that worked. 18 So I guess that's the -- that's the 19 degree to which I did some research on this ahead 20 of time. 21 Q. And are you aware -- if I understand -- 22 well, let me make sure I understand. 23 A. Okay. 24 Q. Sonos has never used the alleged 25 invention of the '033 patent; is that right?</p>

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<p style="text-align: right;">Page 218</p> <p>1 MS. BRODY: Can we go off the record</p> <p>2 briefly while the documents is being uploaded,</p> <p>3 since I don't have the capability to do so?</p> <p>4 THE VIDEOGRAPHER: Is that okay,</p> <p>5 Ms. Bailly? Do you want to go off the record?</p> <p>6 MS. BAILY: I mean, I guess why -- why</p> <p>7 are we going off the record? It's just going to</p> <p>8 take longer to get back on. And then I'm going to</p> <p>9 have less time to ask my questions --</p> <p>10 MS. BRODY: I'm not going anywhere,</p> <p>11 Melissa. I just -- I want to have the document</p> <p>12 uploaded and I don't appear to have the capability</p> <p>13 to do so.</p> <p>14 MS. BAILY: I got that. But I just want</p> <p>15 to understand what's going to happen here. Because</p> <p>16 I was told that the witness has a firm stop at</p> <p>17 6:30. And I can tell that the witness feels like</p> <p>18 he has a stop soon, and I have questions related to</p> <p>19 your questions. And so I just want to understand</p> <p>20 how this is going to work.</p> <p>21 MS. BRODY: I just have a couple more</p> <p>22 questions, as soon as I get the document uploaded.</p> <p>23 MS. BAILY: Mr. Coburn, how much time do</p> <p>24 you have to stay with us?</p> <p>25 I mean, frankly --</p>	<p style="text-align: right;">Page 220</p> <p>1 A. I got it.</p> <p>2 Q. And now if you can open up a document</p> <p>3 that's been marked as Exhibit 11- -- 1145. It's</p> <p>4 bearing Bates number SONOS-SVG2-00027224 to -228.</p> <p>5 (Exhibit 1145 was marked for</p> <p>6 identification by the court reporter and is</p> <p>7 attached hereto.)</p> <p>8 THE DEPONENT: All right. Hold on. I'm</p> <p>9 not sure how to open two things at once.</p> <p>10 All right. There's 1140. And I'm sorry,</p> <p>11 what was the second one?</p> <p>12 MS. BRODY: 1145.</p> <p>13 THE DEPONENT: Okay. I see a file. It</p> <p>14 doesn't have Exhibit 1145, but it says</p> <p>15 SONOS-SVG2-00027224.</p> <p>16 Is that the correct one?</p> <p>17 MS. BRODY: Yes.</p> <p>18 Q. (By Ms. Brody) And if you look at the</p> <p>19 top email, is an email to you from Ron Kuper, dated</p> <p>20 July 15th, 2011 time, time-stamped 10:09 a.m.</p> <p>21 Do you see that?</p> <p>22 A. I'm sorry. One more time, please,</p> <p>23 from -- from whom and at what time.</p> <p>24 Q. From -- from Ron Kuper --</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 219</p> <p>1 THE DEPONENT: I can -- yeah.</p> <p>2 MS. BAILY: -- I got up 6:30 in the</p> <p>3 morning --</p> <p>4 THE DEPONENT: I know. I know.</p> <p>5 MS. BAILY: -- because I was told that</p> <p>6 Mr. Coburn had a hard stop at 6:30.</p> <p>7 THE DEPONENT: Yeah.</p> <p>8 MS. BAILY: So I just want to understand</p> <p>9 what we're doing.</p> <p>10 THE DEPONENT: My -- my real hard stop is</p> <p>11 at 7:00. I said 6:30 because I was worried we</p> <p>12 might run over. So my real hard stop is at 7:00.</p> <p>13 MS. MA: Amy, it says I'm labeling these</p> <p>14 a certain number, or should I just go ahead and</p> <p>15 label it whatever the next following number is?</p> <p>16 MS. BRODY: You do it the next number,</p> <p>17 please, 1145.</p> <p>18 MS. MA: Sure.</p> <p>19 MS. BRODY: I appreciate that.</p> <p>20 Q. (By Ms. Brody) Mr. Coburn, as that is</p> <p>21 being uploaded, I'm going to ask you to open up</p> <p>22 again Exhibit 1140, please --</p> <p>23 A. Okay.</p> <p>24 Q. -- which should be the document bearing</p> <p>25 Bates numbers SONOS-SVG2-00027229.</p>	<p style="text-align: right;">Page 221</p> <p>1 Q. -- dated July 15th, 2011, time-stamped</p> <p>2 10:09 a.m.</p> <p>3 A. Yes, I see that.</p> <p>4 Q. Do you see that there's an attachment to</p> <p>5 this email, "PlayTosonos.pdf"?</p> <p>6 A. Yes, I see that.</p> <p>7 Q. I will represent to you that Exhibit 1140</p> <p>8 that you looked earlier in your deposition is the</p> <p>9 attachment referred to there. That, again, is</p> <p>10 Bates-numbered SONOS-SVG2-00027229.</p> <p>11 MS. BAILY: Object to form.</p> <p>12 THE DEPONENT: Okay.</p> <p>13 Q. (By Ms. Brody) Now, in Mr. Kuper's email</p> <p>14 to you, among others at Sonos, do you see in the</p> <p>15 middle of the email he refers to queue state and</p> <p>16 IDs?</p> <p>17 A. Yes, I see that.</p> <p>18 Q. Is the discussion there an example of a</p> <p>19 cloud service sending IDs to a player?</p> <p>20 MS. BRODY: Object to form.</p> <p>21 THE DEPONENT: I'm sorry, Amy. I'm just</p> <p>22 slow. Can you repeat the question one more time.</p> <p>23 Q. (By Ms. Brody) Is this -- I just -- let</p> <p>24 me state -- strike that.</p> <p>25 Is this discussion an example of a cloud</p>

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<p style="text-align: right;">Page 222</p> <p>1 service sending IDs to a player?</p> <p>2 A. I believe so. The -- the event called</p> <p>3 play from would be -- I don't know why it's called</p> <p>4 an event here. I would refer to it as a command</p> <p>5 that's sent to the player. And it, among other</p> <p>6 things, is documented here as being able to include</p> <p>7 a queue state which includes -- could be a single</p> <p>8 ID or a list of IDs which -- which are IDs of music</p> <p>9 tracks to play.</p> <p>10 MS. BRODY: Subject to any other</p> <p>11 questions Ms. Baily may have, Mr. Coburn, I have no</p> <p>12 further questions.</p> <p>13 THE DEPONENT: Okay.</p> <p>14 FURTHER EXAMINATION</p> <p>15 BY MS. BAILY:</p> <p>16 Q. Okay. Mr. Coburn --</p> <p>17 A. Sure.</p> <p>18 Q. -- what can you tell about the facts and</p> <p>19 circumstances regarding the conception of the</p> <p>20 '615 patent?</p> <p>21 A. As I mentioned before, the -- I mean --</p> <p>22 it's a very difficult question to answer because</p> <p>23 it's very broad. The --</p> <p>24 Q. Well, let me ask you this.</p> <p>25 A. Yeah.</p>	<p style="text-align: right;">Page 224</p> <p>1 thing that I was just reminded of was the fact that</p> <p>2 we had discussed this notion of a shared queue. I</p> <p>3 had forgotten that detail and -- and it's clear</p> <p>4 that when we were thinking about the shared queue,</p> <p>5 it was a queue that is -- does not live on the</p> <p>6 Sonos player and it was managed by a music-playing</p> <p>7 app.</p> <p>8 Q. The shared queue is not in the cloud,</p> <p>9 correct?</p> <p>10 MS. BRODY: Objection to form.</p> <p>11 THE DEPONENT: I don't think it said</p> <p>12 anywhere that it's not in the cloud. I don't think</p> <p>13 it said exactly where the shared queue lives.</p> <p>14 Q. (By Ms. Baily) It doesn't say that it's</p> <p>15 in the cloud, correct?</p> <p>16 A. It's -- neither says that it's in the</p> <p>17 cloud. Nor does it say that it's not in the cloud.</p> <p>18 Q. When did you conceive a shared queue?</p> <p>19 What date?</p> <p>20 MS. BRODY: Objection to form.</p> <p>21 THE DEPONENT: We were just looking at a</p> <p>22 document that -- oh, I guess we were looking at one</p> <p>23 of the patents that used the phrase shared --</p> <p>24 shared queue.</p> <p>25 Q. (By Ms. Baily) Did you conceive of a</p>
<p style="text-align: right;">Page 223</p> <p>1 Q. Let me ask you this.</p> <p>2 A. Uh-huh.</p> <p>3 Q. Ms. Brody asked you a question during her</p> <p>4 questioning --</p> <p>5 A. Uh-huh.</p> <p>6 Q. -- and you said that documents that were</p> <p>7 shown to you during this deposition refreshed your</p> <p>8 recollection about the conception of the</p> <p>9 '615 patent; is that right?</p> <p>10 A. That's correct. It's still not</p> <p>11 completely clear, but I've remembered a few</p> <p>12 details.</p> <p>13 Q. So what have you remembered about the</p> <p>14 conception --</p> <p>15 A. Oh, okay.</p> <p>16 Q. -- of the '615 patent?</p> <p>17 A. I've remembered that Ron Kuper was</p> <p>18 clearly one of the people that I was internally</p> <p>19 collaborating with on these ideas.</p> <p>20 I have been reminded that the queue state</p> <p>21 includes a list of identifiers. And I can pretty</p> <p>22 easily assume from the email that we just saw that</p> <p>23 those -- that means identifiers for music tracks.</p> <p>24 Q. Anything else?</p> <p>25 A. The other -- well, the other -- the other</p>	<p style="text-align: right;">Page 225</p> <p>1 shared queue before the date of the '615 patent</p> <p>2 filing?</p> <p>3 A. We were just looking at the '615 patent,</p> <p>4 correct?</p> <p>5 Q. Correct.</p> <p>6 A. When you say did I conceive -- did -- did</p> <p>7 you conceive, do you mean me specifically or do you</p> <p>8 mean me, Sonos?</p> <p>9 Q. Did Sonos conceive of a shared queue at</p> <p>10 some point prior to the filing for the '615</p> <p>11 application?</p> <p>12 MS. BRODY: Objection to form.</p> <p>13 THE DEPONENT: Oh, my goodness. I'm</p> <p>14 sorry.</p> <p>15 You said prior to?</p> <p>16 Q. (By Ms. Baily) The filing of the --</p> <p>17 A. The filing.</p> <p>18 Q. -- application for the '615 patent.</p> <p>19 A. Honestly, I don't recall when exactly</p> <p>20 that term or -- was -- went into use. It may have</p> <p>21 been as part of the patent filing. It may have</p> <p>22 been beforehand. I can't -- that's the kind of</p> <p>23 detail that I can't remember without seeing</p> <p>24 specific emails.</p> <p>25 Q. How many documents did you review in</p>

57 (Pages 222 - 225)

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<p style="text-align: right;">Page 230</p> <p>1 What these documents disclose is an ID 2 being -- being sent to a player, correct? 3 MS. BRODY: Objection to form. 4 THE DEPONENT: I believe you're splitting 5 hairs. It seems that if an -- if -- if one or more 6 IDs are sent to a player, that that player has to 7 store them somewhere. And so, you know, at this -- 8 at this point in time, this is 2011, the only place 9 Sonos had to store them at that point was the local 10 queue on the player. 11 So while I agree that it does not say 12 that explicitly, I think it can be reasonably 13 inferred from this email. 14 Q. (By Ms. Baily) Exhibit 1140 and 1145 15 nowhere discuss a local play queue, correct? 16 MS. BRODY: Objection to form. 17 THE DEPONENT: 1140 does not use the term 18 "local playback queue." And neither does 11- -- 19 1145 does also not -- also does not use the term 20 "local playback queue." 21 Q. (By Ms. Baily) And neither of these 22 documents are talking about adding information to a 23 local playback queue, correct? 24 MS. BRODY: Objection to form. 25 THE DEPONENT: It depends on whether</p>	<p style="text-align: right;">Page 232</p> <p>1 A. Got it. 2 Q. -- Nick Millington copied you into his 3 correspondence with Debajit Ghosh in this exhibit, 4 correct? 5 A. Yes. I believe that Nick copied me on 6 his last reply to Debajit. 7 Q. And that included all of the other 8 correspondence in Exhibit 1127 that Mr. Ghosh and 9 Mr. Millington had, correct? 10 A. Yes, it did. 11 Q. And Mr. Millington says in his email, 12 "when this thread took more of a technical turn, I 13 should have included Tad, and I'm copying him here 14 now in preparation for next week, he is going to 15 share a few thoughts he has written up on Cloud 16 Queue command/event set." 17 Do you see that? 18 A. I do. 19 Q. And when you received this email from 20 Nick Millington, do you believe that you read the 21 correspondence between Mr. Millington and 22 Mr. Ghosh? 23 MS. BRODY: Objection. Outside the 24 scope. 25 THE DEPONENT: I believe that I read</p>
<p style="text-align: right;">Page 231</p> <p>1 you're looking at the words literally as they sit 2 on the page or if you're looking at the meaning 3 behind the words. The words do not use the term 4 "local playback queue." 5 However, as I said previously, I believe 6 a reasonable person could infer that they have to 7 be stored on the local player somewhere, and that 8 that location was quite likely to be the thing that 9 Sonos refers to as the local queue or the local 10 playback queue. 11 Q. (By Ms. Baily) Well, where in 12 Exhibit 1140 or Exhibit 1145 do those documents 13 talk about a queue or where that queue might 14 reside? 15 MS. BRODY: Objection to form. 16 THE DEPONENT: Well, it's fairly evident 17 to me from the term "queue state" that it's 18 referring to a queue, which I think answers the 19 first part of your question. 20 The second part of your question is, does 21 it describe where that queue lives and that -- I 22 would say that these two exhibits do not explicitly 23 discuss where the queue lives. 24 Q. (By Ms. Baily) If you could turn to 25 Exhibit 1127 --</p>	<p style="text-align: right;">Page 233</p> <p>1 through the email, yes. 2 Q. (By Ms. Baily) And earlier, in response 3 to my questions, you testified as to your 4 understanding of those emails at the time, correct? 5 MS. BRODY: Objection. Outside the 6 scope. 7 I'll also object to form. 8 THE DEPONENT: I'm sorry, Rebecca. Can 9 you just repeat the question. I want to make sure 10 I answer it correctly. 11 Rebecca -- excuse me. Melissa. 12 MS. BAILY: Sure. 13 THE DEPONENT: Excuse me. I'm getting 14 tired. 15 Q. (By Ms. Baily) In response to my earlier 16 questions regarding Exhibit 1127 -- 17 A. Okay. 18 Q. -- you testified regarding your 19 understanding of the emails contained in 20 Exhibit 1127 at the time, correct? 21 MS. BRODY: Objection to form. And 22 outside the scope. 23 THE DEPONENT: Yes, I believe I tes- -- I 24 did tes- -- testify to what I believe Nick meant. 25 Q. (By Ms. Baily) What you believed Nick</p>